

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

**LAFAYETTE DIVISION**

**EFRON LAVERT SIMON, SR.,  
THORNIS WAYNE SIMON, LESTER  
JOSEPH SIMON, JR., AND BRISTLE  
SHENELL SIMON**

**CIVIL ACTION NUMBER:**

**JUDGE:**

**VERSUS**

**DR. LESLY VARGHESE, M.D. and  
SOUTHWEST LOUISIANA CENTER  
FOR HEALTH SERVICES, INC.**

**MAGISTRATE:**

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**COMPLAINT FOR DAMAGES IN MEDICAL MALPRACTICE**

NOW INTO COURT, through undersigned counsel, comes the children of MARCELINE THOMAS (DECEASED), namely, EFRON LAVERT SIMON, SR., THORNIS WAYNE SIMON, LESTER JOSEPH SIMON, JR., and BRISTLE SHENELL SIMON, persons of the full age of majority, who respectfully represents that:

1.

Made defendants herein are:

A. DR. LESLY VARGHESE, M.D. and

B. SOUTHWEST LOUISIANA CENTER FOR HEALTH SERVICES, INC., a

Federally-funded facility operating in Lake Charles, Louisiana.

2.

Marceline Thomas, now deceased, appeared at the Emergency Room at Lake Charles Memorial Hospital, complaining of having had a fall about a week or so earlier and severe

abdominal pain. She reported to her doctors at that time that she had not had a bowel movement in approximately one week.

3.

She was admitted to Lake Charles Memorial Hospital, and DR. LESLY VARGHESE began treatment of Ms. Thomas.

4.

Ms. Thomas was a known patient of DR. VARGHESE who knew that she suffered from diverticular disease affecting her bowels.

5.

Upon admission, Ms. Thomas was given antibiotics. A CT scan was performed and revealed generalized diverticulitis with inflammatory changes. No effort was made to determine if she had injuries related to her fall, or whether her complaints were related to her diverticular disease, or both.

6.

Despite the fact that she had a fall, pre-existing diverticular disease, and had not had a bowel movement in a week, no effort was made to determine if she had a perforation of the bowel, which was ignored.

7.

On August 30, after five more days in the hospital and five more days without a bowel movement, a CT scan was performed. At this time, the radiologist indicated through the requesting doctor that there was stranding which confirmed the information noted in the earlier CT scan.

8.

No effort was made to determine if she had a perforated bowel. She continued to deteriorate until surgery was performed on September 5. At that time, she had been in the hospital for eleven days without a bowel movement and without anyone trying to determine the condition of her bowel.

9.

During the surgery, she was clearly showed to have a perforated bowel leaking into the peritoneal space and causing serious infection. The surgery came too late, and she died three days later.

10.

Despite warning signs, DR. VARGHESE did nothing to determine whether or not Ms. Thomas had a perforated bowel until after Ms. Thomas was past the point of no return.

11.

The only treatment for a perforated bowel was a reparative surgery designed to close the perforation and remove the offending material that was leaking into the retroperitoneal space. This was not done until well past the point of no return.

12.

As a result of this delayed diagnosis and delay in treatment, Ms. Thomas died.

13.

Plaintiffs herein, the four children of Ms. Thomas, are entitled to all damages for their mother, including a survival action and wrongful death of their mother, including pain, suffering, mental anguish, and all other elements of both survival action and wrongful death claim, including her extreme suffering from August 25 through September 8, 2012.

14.

This matter was submitted as an administrative law claim under the Federal Tort Claims Act, and said claim was denied on December 1, 2014.

WHEREFORE, it is prayed that after all due proceedings have been had, there be judgment rendered herein in favor of EFRON SIMON, SR., LESTER SIMON, JR., THORNIS WAYNE SIMON and BRISTLE SHENELL SIMON, the children of Marceline Thomas, as plaintiffs, and against DR. LESLY VARGHESE and SOUTHWEST LOUISIANA CENTER FOR HEALTH SERVICES, INC., as defendants, *in solido*, for the survival actions of plaintiffs' mother, Marceline Thomas, and for their own wrongful death actions.

The plaintiffs further pray for all damages as may be appropriate under Louisiana law, for all costs of these proceedings, and for legal interest from date of the filing of the FTCA Claim until paid.

Respectfully Submitted:

*/s/ Sera Russell*

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